

ARDC#6315443

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT

GEORGINA GARCIA and
NESTOR GARCIA,

Plaintiffs,

V.

NO:

21-L-000463

KHALIF HAJI, individually, and as agent, servant and employee of FEDERAL EXPRESS CORPORATION and FEDEX CUSTOM CRITICAL, INC., FEDERAL EXPRESS CORPORATION, and FEDEX CUSTOM CRITICAL, INC.,

Defendants.

Theresa L. Barreiros
Clerk of the Circuit Court
Kane County, Illinois

9/29/2021 12:59 PM

FILED/IMAGED

COMPLAINT AT LAW

COUNT I – NEGLIGENCE

KHALIF HAJI

NOW COMES the Plaintiff, GEORGINA GARCIA, by and through her attorneys, GWC Injury Lawyers LLC, and complaining of Defendant, KHALIF HAJI, states as follows:

1. On October 4, 2019, Plaintiff, GEORGINA GARCIA, was a passenger in a vehicle being operated by Co-Plaintiff, NESTOR GARCIA, in a generally westbound direction on Illinois Avenue near its intersection with Broadway Avenue in the City of Aurora, County of Kane and State of Illinois.

2. At the aforesaid time and place, the Defendant, KHALIF HAJI, was operating a commercial semi-trailer truck in a generally westbound direction on Illinois Avenue in the lane directly to the left of the Plaintiffs' motor vehicle, in the City of Aurora, County of Kane and State of Illinois.

3. At the aforesaid time and place, Defendant, KHALIF HAJI, had a duty to operate said

Case Management Date Is On Page 7

truck in a reasonable and safe manner and to exercise ordinary care and caution so as to not cause injury to other, specifically the Plaintiff.

4. Notwithstanding the aforementioned duty, Defendant KHALIF HAJI, then and there committed one or more of the following careless and negligent acts and/or omissions:

- a. Carelessly and negligently changed lanes in violation of 625 ILCS 5/11-709;
- b. Carelessly and negligently operated and controlled said truck at a speed that was greater than reasonable, given the traffic conditions, in violation of 625 ILCS 5/11-601;
- c. Carelessly and negligently failed to keep an adequate, or any, lookout during the operation of said truck;
- d. Carelessly and negligently failed to sound a horn, when use of said horn was reasonable and necessary to ensure the safety of the Plaintiff in violation of 625 ILCS 5/11-1003.1;
- e. Carelessly and negligently failed to slow or stop his truck in order to avoid striking the Plaintiff;
- f. Carelessly and negligently failed to change the course of his truck so as to avoid striking the Plaintiff;
- g. Was otherwise careless and/or negligent in operating his truck.

5. As a direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, KHALIF HAJI, the truck he operated was caused and did collide with the vehicle being operated by Co-Plaintiff, NESTOR GARICA.

6. As a further direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, KHALIF HAJI, the Plaintiff, GEORGINA GARCIA, sustained injuries of a personal and pecuniary nature.

WHEREFORE the Plaintiff, GEORGINA GARCIA, prays for a judgment in his favor and against the Defendant, KHALIF HAJI, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus cost of this suit.

COUNT II
FEDERAL EXPRESS CORPORATION

NOW COMES the Plaintiff, GEORGINA GARCIA, by and through her attorneys, GWC Injury Lawyers LLC, and complaining of Defendant, FEDERAL EXPRESS CORPORATION (hereinafter “FEDEX CORP”), states as follows:

7. Plaintiff, GEORGINA GARCIA, restates and realleges paragraphs 1-2 as previously stated in Count I of Plaintiffs’ Complaint at Law.

8. At the aforesaid time and place, Defendant, KHALIF HAJI, was acting in his capacity as agent, servant and/or employee of Defendant, FEDEX CORP.

9. At the aforesaid time and place, Defendant, FEDEX CORP, by and through their agent, servant and/or employee, KHALIF HAJI, had a duty to operate said truck in a reasonable and safe manner and to exercise ordinary care and caution so as to not cause injury to other, specifically the Plaintiff.

10. At the aforesaid time and place, Defendant FEDEX CORP, by and through their agent, servant and/or employee, KHALIF HAJI, then and there committed one or more of the following careless and negligent acts and/or omissions:

- a. Carelessly and negligently changed lanes in violation of 625 ILCS 5/11-709;
- b. Carelessly and negligently operated and controlled said truck at a speed that was greater than reasonable, given the traffic conditions, in violation of 625 ILCS 5/11-601;
- c. Carelessly and negligently failed to keep an adequate, or any, lookout during the operation of said truck;
- d. Carelessly and negligently failed to sound a horn, when use of said horn was reasonable and necessary to ensure the safety of the Plaintiff in violation of 625 ILCS 5/11-1003.1;
- e. Carelessly and negligently failed to slow or stop his truck in order to avoid striking the Plaintiff;

- f. Carelessly and negligently failed to change the course of his truck so as to avoid striking the Plaintiff;
- g. Was otherwise careless and/or negligent in operating his truck.

11. As a direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, FEDEX CORP, by and through their agent, servant and/or employee, KHALIF HAJI, the truck he operated was caused and did collide with the vehicle being operated by Co-Plaintiff, NESTOR GARICA.

12. As a further direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, FEDEX CORP by and through their agent, servant and/or KHALIF HAJI, the Plaintiff, GEORGINA GARCIA, sustained injuries of a personal and pecuniary nature.

WHEREFORE the Plaintiff, GEORGINA GARCIA, prays for a judgment in his favor and against the Defendant, FEDERAL EXPRESS CORPORATION, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus cost of this suit.

COUNT III
FEDEX CUSTOM CRITICAL, INC.

NOW COMES the Plaintiff, GEORGINA GARCIA, by and through her attorneys, GWC Injury Lawyers LLC, and complaining of Defendant, FEDEX CUSTOM CRITICAL, INC. (hereinafter "FEDEX CUSTOM"), states as follows:

13. Plaintiff, GEORGINA GARCIA, restates and realleges paragraphs 1-2 as previously stated in Count I of Plaintiffs' Complaint at Law.

14. At the aforesaid time and place, Defendant FEDEX CUSTOM, owned the commercial semi-trailer truck being operated by Defendant, KHALIF HAJI.

15. At the aforesaid time and place, Defendant, KHALIF HAJI, was acting in his capacity as agent, servant and/or employee of Defendant, FEDEX CUSTOM.

16. At the aforesaid time and place, Defendant, FEDEX CUSTOM, by and through their agent, servant and/or employee, KHALIF HAJI, had a duty to operate said truck in a reasonable and safe manner and to exercise ordinary care and caution so as to not cause injury to other, specifically the Plaintiff.

17. At the aforesaid time and place, Defendant FEDEX CUSTOM, by and through their agent, servant and/or employee, KHALIF HAJI, then and there committed one or more of the following careless and negligent acts and/or omissions:

- a. Carelessly and negligently changed lanes in violation of 625 ILCS 5/11-709;
- b. Carelessly and negligently operated and controlled said truck at a speed that was greater than reasonable, given the traffic conditions, in violation of 625 ILCS 5/11-601;
- c. Carelessly and negligently failed to keep an adequate, or any, lookout during the operation of said truck;
- d. Carelessly and negligently failed to sound a horn, when use of said horn was reasonable and necessary to ensure the safety of the Plaintiff in violation of 625 ILCS 5/11-1003.1;
- e. Carelessly and negligently failed to slow or stop his truck in order to avoid striking the Plaintiff;
- f. Carelessly and negligently failed to change the course of his truck so as to avoid striking the Plaintiff;
- g. Was otherwise careless and/or negligent in operating his truck.

18. As a direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, FEDEX CUSTOM, by and through their agent, servant and/or employee, KHALIF HAJI, the truck he operated was caused and did collide with the vehicle being operated by Co-Plaintiff, NESTOR GARICA.

19. As a further direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant, FEDEX CUSTOM by and through their agent, servant and/or KHALIF HAJI, the Plaintiff, GEORGINA GARCIA, sustained injuries of a personal and pecuniary nature.

WHEREFORE the Plaintiff, GEORGINA GARCIA, prays for a judgment in his favor and against the Defendant, FEDEX CUSTOM CRITICAL, INC., in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus cost of this suit.

COUNT IV – LOSS OF CONSORTIUM

NOW COMES the Plaintiff, NESTOR GARCIA, by and through his attorneys, GWC Injury Lawyers LLC, and complaining of the Defendants, KHALIF HAJI, FEDERAL EXPRESS CORPORATION and FEDEX CUSTOM CRITICAL, INC., states as follows:

22. Plaintiff, NESTOR GARCIA, restates and realleges paragraphs 1-19 as previously stated in Plaintiffs' Complaint at Law.

23. On or about October 4, 2019 and for some time prior thereto, the Plaintiff, NESTOR GARCIA, was the husband of Plaintiff, GEORGINA GARCIA.

24. Plaintiff, NESTOR GARCIA, has relied on the support of his wife, GEORGINA GARCIA, for his and her family.

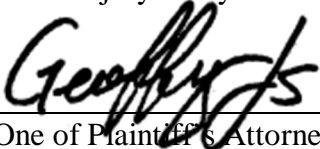
25. As a direct and proximate result of GEORGINA GARCIA'S injury, the Plaintiff, NESTOR GARCIA, has been deprived of the love, companionship, affection, comfort, society and support he previously received from his wife and will continue to do so in the future.

WHEREFORE the Plaintiff, NESTOR GARCIA, prays for a judgment in his favor and against the Defendants, KHALIF HAJI, FEDERAL EXPRESS CORPORATION and FEDEX

CUSTOM CRITICAL, INC., in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00)
plus cost of this suit.

Respectfully Submitted,

GWC Injury Lawyers LLC



One of Plaintiff's Attorneys

Geoffrey E. Jacobs
GWC Injury Lawyers LLC
One East Wacker Drive, Suite 3800
Chicago, IL 60601
312-464-1200
ARDC No. 6315443
gjacobs@gwclaw.com

NOTICE

**BY ORDER OF THE COURT THIS CASE IS HEREBY SET FOR
CASE MANAGEMENT CONFERENCE ON THE DATE BELOW.
FAILURE TO APPEAR MAY RESULT IN THE CASE BEING
DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.
Judge: Busch, Kevin T
12/14/2021 9:00 AM**